

BILL ANALYSIS

Senate Research Center

S.B. 1367
By: Creighton
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, sensitive information for prominent members of the justice system is kept confidential. However, no legislation currently exists that would also protect the sensitive information of those who work for these prominent individuals—in particular the full-time employees at county courthouses, the Office of Court Administration of the Texas Judicial System, and the Texas Indigent Defense Commission.

This bill would protect the confidentiality of these court employees by allowing them to omit their address from election registration lists and on their driver's licenses. The bill would also allow them to withhold their personal information on publicly accessible government databases and to keep their tax form personal information private.

S.B. 1367 amends current law relating to the confidentiality of certain information for employees of a county courthouse or the Office of Court Administration of the Texas Judicial System and the employees' family members.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 13.0021, Election Code, to read as follows:

Sec. 13.0021. ADDITIONAL REGISTRATION INFORMATION FROM CERTAIN FEDERAL AND STATE JUDGES, FEDERAL OFFICIALS, GOVERNMENTAL EMPLOYEES, AND FAMILY MEMBERS.

SECTION 2. Amends Section 13.0021(b), Election Code, as follows:

(b) Requires the registrar of the county to omit from the registration list the residence address for a registration applicant who is:

(1)-(4) creates these subdivisions from existing text;

(5) an employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney;

(6) a current or former employee of the Office of Court Administration of the Texas Judicial System (OCA) and administratively attached to OCA; or

(7) a family member of a person listed in Subdivisions (1)-(6).

Deletes existing text requiring the registrar of the county to omit the applicant's resident address from the registration list the residence address if the registration applicant is a family member of a state judge, a federal judge, including a federal bankruptcy judge, a

marshal of the United States Marshals Service, or a United States attorney. Makes nonsubstantive changes.

SECTION 3. Amends Section 72.016, Government Code, as follows:

Sec. 72.016. NOTIFICATION PROCEDURE FOR JUDICIAL PRIVACY. Requires the administrative director of the courts appointed as provided by Chapter 72 (Office of Court Administration) to develop a procedure to regularly notify county registrars, the Department of Public Safety of the State of Texas (DPS), the Texas Ethics Commission, and any other state or local government agency OCA determines should be notified of certain persons, including employees of OCA and entities administratively attached to OCA, whose personal information is required to be kept from public records, as provided under certain statutes, including Section 25.025 (Confidentiality of Certain Home Address Information), Tax Code.

SECTION 4. Amends Section 552.117, Government Code, by amending Subsections (a) and (b) and adding Subsection (b-1), as follows:

(a) Provides that information is excepted from the requirements of Section 552.021 (Availability of Public Information) if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the following person or that reveals whether the person has family members:

(1)-(17) makes no changes to these subdivisions;

(18)-(19) makes nonsubstantive changes to these subdivisions;

(20) a current or former employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, regardless of whether the employee complies with Section 552.024 (Electing to Disclose Address and Telephone Number) or 552.1175 (Exception: Confidentiality of Certain Personal Identifying Information of Peace Officers and Other Officials Performing Sensitive Governmental Functions); or

(21) a current or former employee of OCA and entities administratively attached to OCA, regardless of whether the employee complies with Section 552.024 or 552.1175.

(b) Creates an exception under Subsection (b-1) and makes a nonsubstantive change.

(b-1) Requires a county clerk or district clerk on request of a person to whom Section 552.117 (Exception: Confidentiality of Certain Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information) applies to redact information described by Subsection (a) that relates to the person from any document the clerk posts on an Internet website.

SECTION 5. Amends Section 552.1175, Government Code, by amending Subsections (a) and (e) and adding Subsection (e-1), as follows:

(a) Provides that Section 552.1175 (Exception: Confidentiality of Certain Personal Identifying Information of Peace Officers and Other Officials Performing Sensitive Governmental Functions) applies only to:

(1)-(17) makes no changes to these subdivisions;

(18)-(19) makes nonsubstantive changes to these subdivisions;

(20) a current or former employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; and

(21) a current or former employee of OCA and entities administratively attached to OCA.

(e) Creates an exception under Subsection (e-1). Makes a nonsubstantive change.

(e-1) Requires a county clerk or district clerk on request of a person to whom this section applies to redact information described by Subsection (b) (relating to providing that certain information is confidential and is prohibited from being disclosed to the public in certain circumstances) that relates to the person from any document the clerk posts on an Internet website.

SECTION 6. Amends Section 25.025(a), Tax Code, as follows:

(a) Provides that this section applies only to:

(1)-(24) makes no changes to these subdivisions;

(25)-(26) makes nonsubstantive changes to these subdivisions;

(27) a current or former employee whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; and

(28) a current or former employee of OCA and entities administratively attached to OCA.

SECTION 7. Amends Section 521.121, Transportation Code, by amending Subsections (a) and (c) and adding Subsection (c-1), as follows:

(a) Requires that a driver's license include:

(1)-(4) makes no changes to these subdivisions;

(5) the license holder's residence address or, for a license holder using the procedure under Subsection (c):

(A) the street address of the courthouse in which the license holder or license holder's spouse or parent:

(i) creates this paragraph from existing text; or

(ii) performs duties on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney; or

(B) the office address of the office in which the license holder or the license holder's spouse or parent performs duties as an employee of OCA and entities administratively attached to OCA.

(c) Requires DPS to establish a procedure to omit, in certain circumstances, including for a license holder whose duties are performed on behalf of the administration of a court, including a court clerk, court coordinator, court administrator, law clerk, or staff attorney, or as an employee of OCA and entities administratively attached to OCA, the residence address of the employee and any family member of the employee on the license holder's license and to print, rather than include, in lieu of that address, the street address of the

courthouse or office building in which the license holder or license holder's spouse or parent serves as an employee. Makes nonsubstantive changes.

(c-1) Provides that the residence address of a license holder whose residence address is omitted using the procedure under Subsection (c) is confidential and is available only for the official use of DPS or a law enforcement agency.

SECTION 8. Requires DPS, not later than November 1, 2024, to:

(1) review DPS' processes for implementation of and compliance with Section 521.121 (General Information on Driver's License), Transportation Code, as amended by this Act; and

(2) submit to the governor, the lieutenant governor, the speaker of the house of representatives, each member of the legislature, and the Texas Judicial Council a written report containing the results of the review, a description of the methods used to prepare the review, and any recommendations for legislative or other action.

SECTION 9. Makes application of this Act prospective.

SECTION 10. Effective date: September 1, 2023.